

HON. ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DAVID STEVEN ROSS,)
)
 Defendant.)

No. 2:14-cr-00007-RSL

ORDER RE CONTINUANCE

Defendant DAVID STEVEN ROSS has moved to continue trial. Having considered the matter the Court makes the following findings.

Trial is currently set to commence on June 23, 2014. The Defendant is the sole defendant pending trial. He is presently detained. Trial was initially set for March 17, 2014. The trial date has been continued once. This is the second trial continuance request.

The Defendant is charged with 3 offenses: Conspiracy to Distribute Marijuana in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(D); Possession of a Firearm in Furtherance of a

1 Drug Trafficking Crime (brandish/discharge) in violation of Title 18, United
2 States Code, Section 924(c)(1)(A)(i)- (iii); and Unlawful Possession of a
3 Firearm, in violation of Title 18, United States Code, Sections 922(g)(1) and
4 924(a)(2).

5 The case was initiated as a state murder investigation by the King
6 County Attorney's Office before referral to the US Attorney's Office and the
7 Grand Jury for federal prosecution. To date the Government has provided
8 the defense 25 CDs consisting of 1300+ pages of police reports, Grand Jury
9 testimony, lab reports, autopsy report, search warrants as well as
10 numerous lengthy recorded statements and other relevant media.
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12 The Defendant's present counsel was appointed to substitute as
13 Defendant's attorney on May 5, 2014. As presently charged the case is
14 estimated to take 5 court days to try.
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16 New defense counsel submits he needs additional time to review
17 discovery, investigate the facts and draft appropriate pretrial motions to
18 effectively represent the defendant. Defense counsel's proffered
19 justification for needing additional time to prepare a defense appears
20 reasonable as the case is one that is both extended and complex.
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22 The defense seeks a new trial date for mid to late January 2015, with
23 a new motions cutoff date of December 5, 2014. The Defendant has

1 executed a speedy trial waiver through mid-February, 2015. The
2 government has indicated that it does not oppose this continuance motion.

3 The defense contends, and the Court finds that the ends of justice
4 would be served by the Court granting this continuance. Such a continuance
5 would ensure that the Defendant's new counsel had sufficient time to
6 investigate and prepare the Defendant an effective defense including the
7 filing of appropriate pretrial motions to what are clearly serious charges
8 with serious consequences if convicted as charged.
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10 The Defendant submits and the Court finds that granting such a trial
11 continuance as outlined herein outweighs the best interests of the public
12 and the Defendant in a more speedy trial. The Court also finds that the
13 period of time between the current trial date and the new trial date is
14 excludable time pursuant to Title 18 U.S.C. § 3161(h)(8) for purposes of
15 computing the time limitation imposed by the Speedy Trial Act, Title 18
16 U.S.C. §§ 3161 through 3164.
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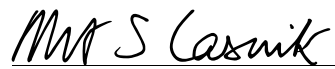
18 WHEREFORE having fully considered the matter and having made the
19 foregoing findings the Court now GRANTS the defense motion to continue
20 trial.

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1 The current trial date is STRICKEN. The new trial date is set for
2 January 26, 2015, at 09:00 AM. The pretrial motions deadline is continued
3 to December 5, 2014.

4 Done and ORDERED this 9th day of June 2014.

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8 Robert S. Lasnik
9 United States District Judge
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